

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |                        |                        |
|---|------------------------|------------------------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/773,562-Conf. #3555 |
|   | Filing Date            | February 6, 2004       |
|   | First Named Inventor   | Kenji Inaba            |
|   | Art Unit               | N/A                    |
|   | Examiner Name          | Not Yet Assigned       |
| Total Number of Pages in This Submission  | Attorney Docket Number | 02008/146001           |

**ENCLOSURES (Check all that apply)**

|  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under<br>37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication<br>to TC<br><input type="checkbox"/> Appeal Communication to Board of<br>Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>Identify below):<br>Combined Declaration and Power of Attorney<br>Application Data Sheet<br>Filing Fee for the Application (as shown on<br>accompanying Fee Transmittal)<br>Substitute Specification<br>Formal Drawings |
| <b>Remarks</b>   |   |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

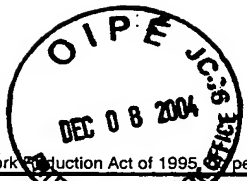
|              |                   |          |        |
|--------------|-------------------|----------|--------|
| Firm Name    | OSHA & MAY L.L.P. |          |        |
| Signature    |                   |          |        |
| Printed name | Thomas K. Scherer |          |        |
| Date         | December 8, 2004  | Reg. No. | 45,079 |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 576721267 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 8, 2004

Signature:

(Lisa H. Smith)



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Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1,480.00**Complete if Known**

|                      |                        |
|----------------------|------------------------|
| Application Number   | 10/773,562-Conf. #3555 |
| Filing Date          | February 6, 2004       |
| First Named Inventor | Kenji Inaba            |
| Examiner Name        | Not Yet Assigned       |
| Art Unit             | N/A                    |
| Attorney Docket No.  | 02008/146001           |

**METHOD OF PAYMENT** (check all that apply)☐ Check ☒ Credit Card ☐ Money Order  
☒ Deposit Account ☐ NoneDeposit Account Number  
50-0591Deposit Account Name  
Osha & May L.L.P.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17  
☒ Credit any overpayments

To the above-identified deposit account.

☐ Other (please identify):**FEE CALCULATION****1. BASIC FILING FEE**

| Fee Description        | Fee (\$)  | Small Entity Fee (\$) | Fee Paid (\$) |
|------------------------|-----------|-----------------------|---------------|
| Utility Filing Fee     | 790       | 395                   | 790.00        |
| Design Filing Fee      | 350       | 175                   |               |
| Plant Filing Fee       | 550       | 275                   |               |
| Reissue Filing Fee     | 790       | 395                   |               |
| Provisional Filing Fee | 160       | 80                    |               |
| <b>Subtotal (1)</b>    | <b>\$</b> |                       | <b>790.00</b> |

**FEE CALCULATION** (continued)**2. EXTRA CLAIM FEES**

| Fee Description   | Fee (\$) | Small Entity Fee (\$) |
|---|----------|-----------------------|
| Each claim over 20  | 18       | 9                     |
| Each independent claim over 3   | 88       | 44                    |
| Multiple dependent claims   | 300      | 150                   |
| For Reissues, each claim over 20 and more than in the original patent | 18       | 9                     |
| For Reissues, each independent claim more than in the original patent | 88       | 44                    |

| Total Claims  | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---|--------------|----------|---------------|
| 4   | - 20 or HP = | x        | = 0.00        |
| HP= highest number of total claims paid for, if greater than 20 |              |          |               |

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---------------|--------------|----------|---------------|
| 1             | - 3 or HP =  | x        | = 0.00        |

HP= highest number of independent claims paid for, if greater than 3

| Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
|---------------------------|----------|---------------|
|---------------------------|----------|---------------|

**Subtotal (2)** \$ 0.00**3. OTHER FEES**

| Fee Description                       | Fee (\$) | Small Entity Fee (\$) | Fee Paid |
|---------------------------------------|----------|-----------------------|----------|
| 1-month extension of time             | 110      | 55                    |          |
| 2-month extension of time             | 430      | 215                   | 430.00   |
| 3-month extension of time             | 980      | 490                   |          |
| 4-month extension of time             | 1,530    | 765                   |          |
| 5-month extension of time             | 2,080    | 1,040                 |          |
| Information disclosure stmt. Fee      | 180      | 180                   |          |
| 37 CFR 1.17(q) processing fee         | 50       | 50                    |          |
| Non-English specification             | 130      | 130                   | 130.00   |
| Notice of Appeal                      | 340      | 170                   |          |
| Filing a brief in support of appeal   | 340      | 170                   |          |
| Request for oral hearing              | 300      | 150                   |          |
| Other: 1051 Surcharge-Late filing fee |          |                       | 130.00   |

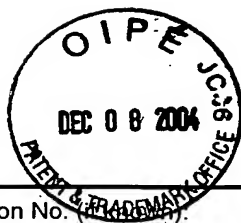
**Subtotal (3)** \$ 690.00**SUBMITTED BY**

|                   |                   |                                   |                  |           |                |
|-------------------|-------------------|-----------------------------------|------------------|-----------|----------------|
| Signature         |                   | Registration No. (Attorney/Agent) | 45,079           | Telephone | (713) 228-8600 |
| Name (Print/Type) | Thomas K. Scherer | Date                              | December 8, 2004 |           |                |

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Dated: December 8, 2004

Signature: (Lisa H. Smith)



Application No. (7/14/04)

Attorney Docket No.: 02008/146001

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 576721267 US in an envelope addressed to:

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P.O. Box 1450  
Alexandria, VA 22313-1450

on December 8, 2004  
Date

Signature

Lisa H. Smith

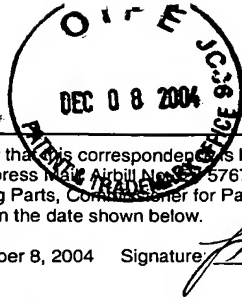
Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 228-8600  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)  
Application Data Sheet (2 pages)  
Declaration and POA for Patent Application (4 pages) (Signed)  
Filing Fee (as shown on accompanying Fee Transmittal)  
Substitute Specification, 21 pages; w/Verification of Translation (1 page)  
Replacement sheets - Formal Drawings (4 figures, 4 pages)  
Part 2 Copy of Notice (2 pages)  
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 pg)  
Response to Notice to File Missing Parts of Application (2 pages)  
Transmittal form (1 page)  
Payment by credit card. Form PTO-2038 is attached (\$1,480)



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Dated: December 8, 2004

Signature

(Lisa H. Smith)

Docket No.: 02008/146001  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kenji Inaba et al.

Application No.: 10/773,562

Filed: February 6, 2004

For: TESTING APPARATUS

Confirmation No.: 3555

Art Unit: N/A

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed August 9, 2004, Applicant respectfully submits a Combined Declaration and Power of Attorney, an Application Data Sheet, the Filing Fee for the Application (as shown on accompanying Fee Transmittal), a Substitute Specification, Formal Drawings (4 figures, 4 pages), and Part 2 Copy of Notice.

Please charge our Credit Card in the amount of \$1,480.00 covering the fee set forth in 37 CFR 1.17(a)(2), 1.16(e), and 1.16(a). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit


Application No.: 10/773,562

Docket No.: 02008/146001

Account No. 50-0591, under Order No. 02008/146001. A duplicate copy of this paper is enclosed.

Dated: December 8, 2004

Respectfully submitted,

By   
Thomas K. Scherer  
Registration No.: 45,079  
OSHA & MAY L.L.P.  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)

12-09-04

IRW



UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/773,562         | 02/06/2004             | Kenji Inaba           | 02008.146001           |

CONFIRMATION NO. 3555

## FORMALITIES LETTER



\*OC000000013484422\*

Jonathan P. Osha  
 ROSENTHAL & OSHA L.L.P.  
 Suite 2800  
 1221 McKinney St.  
 Houston, TX 77010

Date Mailed: 08/09/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/10/2004 HHEKONEN 00000023 10773562

|            |           |
|------------|-----------|
| 01 FC:1252 | 450.00 OP |
| 02 FC:1001 | 790.00 OP |
| 03 FC:1051 | 130.00 OP |
| 04 FC:1053 | 110.00 OP |

FILED UNDER 37 CFR 1.53(b)

20.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawing figures contain text that is not in English (including, for example, a flow

chart that was originally not in English that has been marked up to include the English text) (see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)). See Figure(s) ALL.

**SUMMARY OF FEES DUE:**

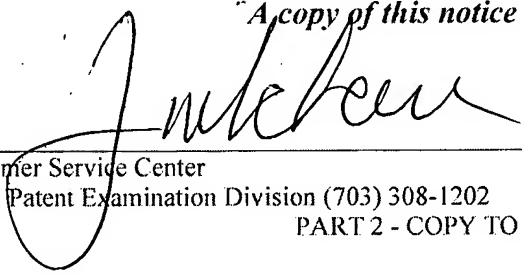
Total additional fee(s) required for this application is **\$1030** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- **\$130** for English translation surcharge required.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE